

CLERK  
 COURT  
 ELECTRONICALLY FILED

Case #:

FILED: 6/19/08

Exhibit C

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X  
 LYONS PARTNERSHIP, L.P.; HIT :  
 ENTERTAINMENT, INC.; GULLANE (DELAWARE) :  
 LLC and THOMAS LICENSING, LLC, :

Plaintiffs,

v.

GREAT AMERICAN MASQUERADE, GAG, GIFT :  
 & GADGET SHOP, INC DBA ABRACADABRA, :  
 PAUL BLUM, ALLEN DALTON PRODUCTIONS, :  
 LLC, ALLEN DALTON, CARRIE FEINER :  
 ENTERPRISES, LLC, CARRIE FEINER, CROSS :  
 COUNTY CHILDREN'S ENTERTAINMENT, INC :  
 D/B/A KID-O-ROBOTICS, BRUCE K. MOGAVERO, :  
 AND VINCENT REVERDY D/B/A CONNECTED :  
 EVENT CREATION :

Defendants.

07 Civ. 7112 (RJS)(AJP)

STIPULATED PERMANENT  
 INJUNCTION AND ORDER

-----X  
 Plaintiffs Lyons Partnership, L.P.; HIT Entertainment, Inc.; Gullane (Delaware)

LLC and Thomas Licensing, LLC (collectively, "Plaintiffs") and Defendants Cross County  
 Children's Entertainment, Inc. d/b/a Kid-O-Robics and Bruce K. Mogavero (collectively, "Cross  
 County Defendants") by and through their counsel, do hereby stipulate and agree to entry of a  
 permanent injunction under Federal Rule of Civil Procedure 65, enjoining and restraining the  
 Cross County Defendants, their officers, agents, servants, employees, contractors and/or any  
 individuals, entities or corporations acting in concert with them from:

- A. Purchasing, distributing, displaying, selling, offering to sell, renting,  
 offering to rent, and/or using adult-size costumes depicting Barney®,  
 BJ®, Baby Bop®, Bob the Builder® or Thomas the Tank Engine™  
 characters for children's entertainment or otherwise;

- B. Using or inducing others to use Plaintiffs' copyrights, trademarks, logos or trade dress, or any copy or imitation of any of them in any manner, including, but not limited to advertising, promoting, and/or marketing children's entertainment services;
- C. Passing off, inducing, or enabling others to sell or pass off any adult size costumes as genuine products authorized by Plaintiffs; and
- D. Committing or inducing others to commit any other acts calculated to cause purchasers to believe that the Cross County Defendants' adult size costumes are genuine products authorized by Plaintiffs; and
- E. Shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner adult size costumes that copy, imitate or embody any of Plaintiffs' copyrights, trademarks, logos or trade dress.


It is further stipulated and ordered that all adult size costumes or costume molds in the possession of the Cross County Defendants that are likely to cause others to believe that the Cross County Defendants' unlicensed costumes are connected with Plaintiffs or with Plaintiffs' genuine Barney®, BJ®, Baby Bop®, Bob the Builder® or Thomas the Tank Engine™ characters shall be surrendered to Plaintiffs' counsel forthwith at the expense of the Cross County Defendants.

It is further stipulated and ordered that for a period of five (5) years from the date of this Stipulation, the Cross County Defendants shall promptly inform Plaintiffs of any changes of business name, location or ownership status.

It is further stipulated that the Honorable Richard J. Sullivan, United States District Judge, or his successor shall retain jurisdiction to enforce this Stipulated Permanent Injunction.

**IT IS SO STIPULATED:**

**COWAN, DEBAETS, ABRAHAMS &  
SHEPPARD LLP**



Toby M.J. Butterfield, Esq.  
Matthew A. Kaplan, Esq.

41 Madison Avenue, 34<sup>th</sup> Floor  
New York, New York 10010  
Telephone: (212) 974-7474  
Facsimile: (212) 974-8474

*Attorneys for Plaintiffs*

Dated: 6/18/08



Bruce K. Mogavero, Esq.

6 Xavier Drive, Suite 705  
Cross County Center  
Yonkers, New York 10704  
Telephone: (914) 969-5514  
Facsimile: (914) 969-1630

*Attorney for Cross County Defendants*

Dated: 6/13/08

**SO ORDERED**

Dated: 6/18/08

  
HON. R. J. Sullivan U.S.D.J.